

version in the pages attached to this amendment.

6. (Once Amended) The lining as claimed in claim 5, wherein the opening area is further bounded by intended fracture lines or wall thickness reductions adjoining the hinge area.

7. (Once Amended) The lining as claimed in claim 5, wherein the hinge area consists essentially of a thermoplastic material with a Shore A hardness between 30 and 95.

#### REMARKS

Claims 5-9 are pending in the application. By this Amendment, Claims 6 and 7 are amended. Favorable reconsideration is respectfully requested in light of the following Remarks.

I. The Claims Satisfy the Requirements of 35 USC §112, Second Paragraph

1. The Office action rejects Claim 6 under 35 USC §112, second paragraph asserting that the phrase "intended fracture lanes and wall thickness reductions" is unclear. By this Amendment, the phrase "intended fracture lines and wall thickness reductions" is replaced with "intended fractures lines or wall thickness reductions," as suggested by the Office action. Withdrawal of the rejection is respectfully requested.

2. The Office action rejects Claim 7 under 35 USC §112, second paragraph asserting that the term "preferably" renders the claim indefinite. By this Amendment, the term "preferably" is omitted from Claim 7. Withdrawal of the rejection is respectfully requested.

II. The Claims Define Patentable Subject Matter

The Office Action rejects Claims 5-9 under 35 U.S.C. §103(a) over Kato et al. (U.S. Patent No. 6,082,761, hereinafter "Kato") in view of Preisler et al. (U.S. Patent No.

6,180,207, hereinafter "Preisler"), and further in view of Nishijima et al. (U.S. Patent No. 5,316,822, hereinafter "Nishijima"). The rejection is respectfully traversed.

Independent Claim 5 specifies, *inter alia*, a lining for columns of automobiles comprising a base area with fixing and holding elements and at least one opening area covering an airbag, wherein the at least one opening area comprises a thermoplastic material with a Shore A hardness greater than 100 and has a hinge area adjoining the base area and consisting essentially of a thermoplastic material with a Shore A hardness of less than 95.

Kato appears to disclose a side airbag device including an air bag 11 covered by a closure 30 made of synthetic resin, such as ABS or polypropylene. *See Figs. 3 and 4*. The closure 30 includes a mounting portion 30a, a base 30b, and a facing 30c. Closure 30 also has a door portion 30d with an integral hinge 30e. The door portion 30d is pushed open upon inflation of the air bag 11. *See col. 5, lines 34-43*.

It appears that the Office action has mischaracterized the hinge 30e and the base 30b by indicating that these elements are the opening area and hinge, respectively. However, Applicant agrees with the Office action that there is no mention of at least the feature of an opening area having a thermoplastic material with a shore A hardness and a unified decorative cover. In addition, Applicant agrees with the Office action that there is no mention in Kato of at least the feature of a hinge area having a shore A hardness of less than 95 and intended fracture lines.

Preisler appears to disclose an air bag cover 10 that includes a decorative preform 12 bonded to a front panel 14 of the cover 10. The cover 10 is made from thermoplastic elastomer, such as a thermoplastic polyolefin, thermoplastic urethane, polyester, polycarbonate, a mixture of polycarbonate and ABS or similar material. *See col. 4, lines 63-67*. The durometer of the preform 12 is between 15 Shore A to 100 Shore A. *See col. 5, lines 37-38*.

Nishijima appears to disclose a cover 1 for an air bag 2 including an outer skin layer 1a and a main body portion 1b made of thermoplastic polyurethane elastomer having a Shore A hardness rating of greater than 80. *See col. 3, lines 65-68; col. 4, lines 5-10*. The main

body portion 1b may include a break line 4 or, alternatively, rectangular-shaped perforated lines. *See Fig. 7.*

It appears that the Office action has mischaracterized the preform 12 of Preisler with the opening area of the claimed invention. In Preisler, the preform 12 is located sufficiently away from the tear seam of the air bag such that the flap portions 30, 32 act as live hinges and move away from the preform 12 when the air bag is inflated. *See Fig. 1; col. 5, lines 59-61.* At best, the preform 12 of Preisler does not act as an opening area, but rather as a canister for the air bag.

In addition, it appears that the Office action has mischaracterized the main body portion 1b of Nishijimi with the hinge area of the claimed invention. In Nishijimi, the main body portion 1b may include a break line 4 or perforated lines that allow the air bag to break through the cover when subjected to pressure from the air bag. *See col. 4, line 66-col. 5, line 2.* In no way does the break line 4 or perforated lines act as a hinge as in the claimed invention. In fact, Nishijimi teaches that break lines are not required if the air bag cover is provided with a hinge. *See Fig. 9; col. 5, lines 7-14.*

In view of the foregoing, it is respectfully submitted that the combination of Kato, Preisler and Nishijimi does not disclose, teach or suggest at least the features of at least one opening area comprising a thermoplastic material with a Shore A hardness greater than 100, and a hinge area adjoining a base area and consisting essentially of a thermoplastic material with a Shore A hardness of less than 95, as recited in Claim 5. Because the combination of the cited references does not teach all the claim limitations, as recited in Claim 5, the Office action fails to establish a *prima facie* case of obviousness. *See MPEP §2143.*

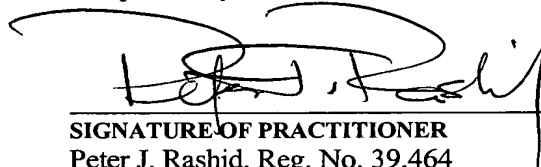
For at least this reason, Claim 5 is allowable over the applied art, taken singly or in combination. Claims 6-9, which depend from Claim 5, are likewise allowable over the applied art, taken singly or in combination. Withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of the application is earnestly solicited.

Should Examiner Fleming believe anything further would be desirable in order to place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

It is believed that any additional fees due with respect to this paper have already been identified. However, if any additional fees are required in connection with the filing of this paper, permission is given to charge account number 18-0013 in the name of Rader, Fishman and Grauer PLLC.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter J. Rashid", is written over a horizontal line.

**SIGNATURE OF PRACTITIONER**  
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**MARKED UP VERSION OF ALL AMENDED SPECIFICATION PARAGRAPHS**

[0011]       ~~The invention will be explained in more detail below by using drawings.~~  
~~Figure 1 shows a lining according to the invention for columns of automobiles in plan view,~~  
~~and figure 2 shows a section along the line II-II in figure 1 in an enlarged illustration.~~

In the drawings:

Figure 1 shows a plan view of a lining for columns of automobiles according  
to the invention; and

Figure 2 shows an enlarged cross-sectional view of the lining for columns of  
automobiles taken along line II-II of Figure 1.

**MARKED UP VERSION OF ALL AMENDED CLAIMS**

6. (Once Amended) The lining as claimed in claim 5, wherein the opening area is further bounded by ~~one of~~ intended fracture lines ~~and or~~ wall thickness reductions adjoining the hinge area.

7. (Once Amended) The lining as claimed in claim 5, wherein the hinge area consists essentially of a thermoplastic material with a Shore A hardness between 30 and 95, ~~preferably between 60 and 80.~~